



CANNON BUILDING
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STATE OF DELAWARE
DEPARTMENT OF STATE

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DIVISION OF PROFESSIONAL REGULATION

PUBLIC MEETING NOTICE:	BOARD OF NURSING Meeting Minutes
DATE AND TIME:	Wednesday, February 9, 2011 at 9:00 a.m.
PLACE:	DelTech-Terry Campus CTC Room 400 Dover, DE 19904 March 9, 2011

MEMBERS PRESENT

Evelyn Nicholson, President, Public Member
Robert Contino, RN, Vice President, Nurse Educator Member
Madelyn Nellius, Public Member
Dianne Halpern, RN Member
Mary Lomax, Public Member
Barbara Peterson, RN Member
Harland Sanders, Public Member
Tracy Littleton, LPN Member
Lyron Deputy, RN Member
Pamela Tyranski, RN Member

DIVISION STAFF/DEPUTY ATTORNEY GENERAL PRESENT

Pamela Zickafoose, Executive Director
Patricia Davis-Oliva, Deputy Attorney General
Sandra Wagner, Administrative Specialist III

MEMBERS ABSENT

Kathy Bradley, LPN Member
Stacey Burns, LPN Member
Delphos Price, APN Member
Robert Maddex, Public Member
Tammy Ward, RN Member

ALSO PRESENT

Barbara J. Robinson, Leads School of Technology
Tammy Paxton, Delaware Technical & Community College, Owens Campus
Wayne Smith, DE Health Association
Joann Baker, Delaware Technical & Community College, Terry Campus
Vicky Banks, Delaware Technical & Community College, Terry Campus
Karen Potts, Delaware Skills Center
Jane Altshuler DE Skills Center

Margaretta Dorey Quality Insights of DE
Nursing Students

Hearing sign in

Jattu Moussa
James Phalen
Michelle Hayworth
Sharon Ham
Fbrahim Kamara

Jane Altshuler, DE Skills Center
Pat Welsh, DelTech-Stanton Campus
Matthew Ad
Michelle Ham

Ms. Nicholson called the meeting to order at 9:03 a.m. She opened the meeting by thanking Delaware Technical & Community College, Terry Campus for hosting the meeting. She also extended thanks to Mr. Dan Simpson, Vice President/Campus Director, Mr. John Buckley, Dean of Instruction and Ms. JoAnn Baker, Nursing Chairperson.

Ms. Nicholson welcomed Dr. Zickafoose as the new Executive Director and two new board members- Pamela Tyranski, RN Member and Madelyn Nellius, Public Member. She thanked Rebecca Walker and Robert Draine for their years of service to the board.

James Collins, Director Division of Professional Regulation and Deputy Secretary of State, introduced Roger Akin, the new Chief Hearing Officer, who will begin hearing nursing discipline cases in the future. Mr. Collins also welcomed Pamela Zickafoose as the new Executive Director.

REVIEW OF MINUTES

The Board reviewed the minutes of the meeting held on November 10, 2010. Dr. Peterson made a motion, seconded by Ms. Halpern, to approve the minutes. With Madelyn Nellius and Pam Tyranski abstaining, the motion was carried.

The Board reviewed the minutes of the meeting held on December 8, 2010. Ms. Nicholson asked that "Nurse Educator Member" be added after Dr. Contino's name. Ms. Halpern made a motion, seconded by Dr. Peterson, to approve the minutes as amended. With Madelyn Nellius and Pam Tyranski abstaining, the motion was carried.

ADOPTION OF THE AGENDA

Dr. Zickafoose indicated that an amended agenda is found at each member's seat. Dr. Peterson made a motion to move the Wesley College request (9.10.4) to be included with the Wesley Annual Report (6.1.1). A motion to approve the revised agenda was made by Dr. Contino and seconded by Dr. Peterson. The motion was carried.

ACTIVITIES REPORT

Dr. Zickafoose provided the report of the number and types of active licenses and permits as of February 8, 2011. There were 358 more nurses than in the November 2010 report.

Total Active Licenses = 18,631

APN = 1,128

Permits = 4

RN = 14,595

RN Permits = 31

LPN = 2,908

LPN Permits = 2

Dr. Zickafoose also reported there was 85.48% compliance with audits for the February RN renewal period. There were 9 nurses who had not submitted audit documents.

UNFINISHED BUSINESS

There was no unfinished business before the Board.

COMMITTEE REPORTS

Practice & Education Committee

Dr. Contino provided the 2010 Annual Report – Delaware Nursing Education Programs. Each program was considered separately as follows:

Beebe School of Nursing- NCLEX-RN pass rate 95.24%. The committee recommended Full Approval. Motion was carried.

Camtech- NCLEX-PN pass rate 42.22%. Letter was received from Bernice Hardy stating she had resigned as the Director. The committee recommended continuing Conditional Approval with an interim status report due May 1, 2011. The motion was carried.

Delaware Institute of Health Sciences- NCLEX-PN pass rate 52.63%. No annual report or six-month status report submitted. The board removed this program's approval in 2010 and this decision is on Appeal before the Kent County Superior Court. No recommendation was made.

Delaware Skills Center- NCLEX-PN pass rate 75.86%. The committee requested clarification of faculty assignments and recommended Full Approval. The motion was carried.

Delcastle Tech High School- NCLEX-PN pass rate 75%. Dr. Peterson noted this program is closing with the final group of students in 2013. The committee recommended continuing Conditional Approval with an interim status report due May 1, 2011. The motion was carried.

Delaware State University- NCLEX-RN pass rate 70.59%. The committee requested a copy of the NLNAC site visit report be submitted to the board when received, clarification of faculty assignments and status of 2 + 2 program, and they recommended Full Approval. The motion was carried.

Delaware Technical & Community College-Owens Campus- NCLEX-RN pass rate 80%; NCLEX-PN pass rate 84.69%. The committee recommended Full Approval for the RN, PN, and PN Refresher programs. The motion was carried.

Delaware Technical & Community College-Stanton Campus- NCLEX-RN pass rate 93.16%. The committee recommended Full Approval. The motion was carried.

Delaware Technical & Community College-Terry Campus- NCLEX-RN pass rate 87.10%; NCLEX-PN pass rate 100%. The committee noted the increase in RN pass rate and applauded the 100% PN pass rate. The committee recommended Removal from Conditional Approval for the RN program with Full Approval for the RN and PN programs. The motion was carried.

Leads School of Technology- NCLEX-PN pass rate 75%. This school is still in Phase II. The committee requested clarification of NLNAC candidacy status and transfer credit policy limits. The committee recommended continuing Initial Approval with an interim status report due May 1, 2011 and every six months thereafter. The motion was carried.

Polytech Adult Education- NCLEX-PN pass rate 91.67%. The committee recommended continuing Full Approval. Ms. Littleton abstained. The motion was carried.

University of Delaware- NCLEX-RN pass rate 88.11%. The committee recommended continuing Full Approval for both the BSN and RN Refresher programs. The motion was carried.

Wesley College- NCLEX-RN pass rate 60.42%. The committee noted the small number of full-time faculty- 10 for over 200 students and recommended Conditional Approval as this is the fourth consecutive year as a BSN program with a pass rate below 80%. Evelyn Nicholson read the letter submitted by Dr. Lucille Gambardella requesting deferment of Conditional Approval until August 1, 2011. Dr. Peterson commented that the board needs to be consistent with all schools. Dr. Zickafoose commented that deferment had never been granted before. There was no motion to the letter and therefore the request was denied. The board voted to accept the committee's

recommendation of Conditional Approval with an interim status report due May 1, 2011. Dr. Contino and Mr. Deputy abstained. The motion was carried.

Dr. Contino also presented the practice issues report from the January 27, 2011 P&C meeting. Topics discussed included:

Subcutaneous Injection/LPNs- Delaware Hospice- The committee determined it is NOT within the LPN scope of practice for the LPN to administer medications via a subcutaneous port, to use a PCA pump to administer a bolus dose via a subcutaneous port, to titrate a PCA pump based on standing orders via a subcutaneous port, or initiate a PCA pump via a subcutaneous port.

CranioSacral Therapy (CST)- The committee determined that CST is NOT within the scope of practice of the RN as it is an osteopathic manipulation technique of the craniosacral system.

Intraosseous Devices for Vascular Access- The committee determined that it is NOT within the scope of routine RN practice to place and/or remove intraosseous (IO) devices for IV Therapy. The Board of Nursing Rules and Regulations are silent regarding IO devices and the IO route of administration.

Volunteer Hours- The committee determined that use of volunteer hours is acceptable for the practice requirement as long as the nursing process and critical thinking skills are demonstrated/documented on the request. Applicants should keep a detailed log of skills performed and times spent in volunteer activities and submit the request to the board for review. Approval will be determined on an individual basis which is consistent with past practices of the board.

Propofol Administration- The committee was undecided whether Propofol administration is within the scope of RN practice as there was conflicting information between the manufacturer guidelines, drug manuals, and several professional organizations. CMS and manufacturer guidelines as well as healthcare facility policies and procedures must be followed. Dr. Contino motioned for a declaratory ruling that the board would not decide for what purpose a drug is given, and it was seconded by Dr. Peterson. The motion was carried unanimously.

PRESIDENT'S REPORT

On behalf of the board members, Ms. Nicholson welcomed all the nursing students in attendance at the meeting. She commended the students on their career choice and wished them well as they continue their studies.

EXECUTIVE DIRECTOR'S REPORT

Dr. Zickafoose submitted a written report (see attached) due to the length of the agenda for this meeting. She welcomed the new board members and thanked the board members for their support. The board committees were discussed and she requested board members and persons from the public with an interest in serving on committees to submit a letter of interest along with a resume to her. She also reported that online renewals have gone very well with 2253/2718 renewals successfully completed by 1/31/11 representing an 84.4% renewal rate. There were 22 nurses who changed their status to "inactive" and 433 who had not submitted their renewal.

NEW BUSINESS BEFORE THE BOARD

LICENSEE APPLICATION REVIEWS

By Examination

Carla Hull- Ms. Hull is a GPN applicant who graduated 12/10/10 from DTCC Owens. She needed a waiver granted to test because she plead guilty 2/5/1996 to Theft and conspiracy 3rd degree, crimes found to be substantially related to the practice of nursing according to Board Rule 15.2.4 and 15.3.16. The Board reviewed the court documents provided by the applicant showing completion of all requirements of sentencing on 3/2/06. Dr. Contino made a motion, seconded by Dr. Peterson, to grant Ms. Hull a waiver in accordance with 24 *Del.C.* §1910(5). By unanimous vote, the motion carried.

Gladys Kengara- Ms. Kengara's application review was on the agenda in November for approval by examination, but really it should have been on the agenda for a waiver of being outside the 2 years. She graduated from DIHS on 12/23/07 and took the exam 10/28/10 and passed. Dr. Peterson made a motion, seconded by Ms. Littleton, to grant the waiver and require a supervised practice plan. By unanimous vote, the motion carried.

Ashleigh Adkins- Ms. Adkins is a GPN applicant who was requesting to sit for the NCLEX exam and needs a waiver for being outside the 2 year rule. She has taken the exam 3 times – 6/17/08, 12/1/08, 8/19/09. The board previously requested she take a review course which was completed on 12/1/10 from NCSBN. The board reviewed the documents submitted. Dr. Peterson made a motion, seconded by Ms. Littleton, to allow Ms. Adkins to test again with a stipulation that she will need a supervised practice plan when she passes the exam. By unanimous vote, the motion carried.

Tanisha Perry- Ms. Perry is a GPN applicant requesting a waiver of the 90 day and criminal background rules. She graduated from Polytech 9/27/2010. Ms. Perry was found guilty on 6/30/2005 for driving while suspended in VA, a crime found to be substantially related to the practice of nursing according to Board Rule 15.8.37. The Board reviewed the court documents provided by the applicant showing completion of all requirements of sentencing on 8/17/05. Dr. Peterson made a motion, seconded by Mr. Sanders, to grant Ms. Perry a waiver in accordance with 24 *Del.C.* §1910(5) and to test outside the 90 day rule. By unanimous vote, the motion carried.

Meghann Rolph- Ms. Rolph is a GN applicant requesting a waiver of the 90 day and criminal background rules. She graduated from DTCC-Stanton on 5/12/10. Ms. Rolph plead guilty to disorderly conduct on 3/18/1999, a crime found to be substantially related to the practice of nursing according to Board Rule 15.6.3. Dr. Contino questioned the numerous other crimes on her background check and it was determined they were expunged. The Board reviewed the court documents provided by the applicant showing completion of all requirements of sentencing. Dr. Peterson made a motion, seconded by Ms. Littleton, to grant Ms. Rolph a waiver in accordance with 24 *Del.C.* §1910(5) and to test outside the 90 day rule. By unanimous vote, the motion carried.

Jamie Clark- Ms. Clark is a GPN applicant who is on the Adult Abuse registry until 2/16/2011 for emotional abuse. Dr. Peterson made a motion, seconded by Mr. Sanders, to propose to deny licensure based on the applicant's ineligibility for licensure pursuant to 24 *Del.C.* §1914(5). By unanimous vote, the motion carried.

Crystal Goerlitz- Ms. Goerlitz is a GPN applicant requesting a waiver of the 90 day and criminal background rules. She graduated 8/12/2010 from Delaware Skills Center. She was convicted of disorderly conduct 11/15/1999, a crime found to be substantially related to the practice of nursing according to Board Rule 15.6. The Board reviewed the court documents provided by the applicant showing completion of all requirements of sentencing. Dr. Contino made a motion, seconded by Ms. Nellius, to grant Ms. Goerlitz a waiver in accordance with 24 *Del.C.* §1910(5) and to test outside the 90 day rule. With Ms. Halpern abstaining, the motion was carried by a majority vote of the Board.

Efrelina Zorilla- Ms. Zorilla is a foreign graduate from the Philippines and has been practicing in the Philippines as a RN for over 5 years in acute care positions (ICU, NICU, etc). She has taken the NCLEX and passed in California but they will not grant a license to applicants without a SSN (and DE does as long as an exemption form is completed and it is). The Board reviewed all paperwork submitted (CGFNS, transcript, etc) and determined Ms. Zorilla meets requirements for licensure. Dr. Peterson made a motion, seconded by Dr. Lomax, to grant RN licensure by exam in Delaware.

Cindy Hewitt- Ms. Hewitt is a GPN applicant who graduated from DTCC-Owens on Dec. 10, 2010. She was convicted of numerous charges from 1993 to 2002. Dr. Peterson made a motion, seconded by Ms. Halpern, to propose to deny licensure based on the applicant's ineligibility for licensure pursuant to 24 *Del.C.* §1914(5). By unanimous vote, the motion carried.

Nina Gokhale- Ms. Gokhale is a GN applicant who graduated from DTCC-Stanton on Dec. 13, 2010. She was convicted of retail theft in 1999, a crime found to be substantially related to the practice of nursing according to Board Rule 15.3.16. The Board reviewed the court documents provided by the applicant showing completion of all requirements of sentencing. Ms. Halpern made a motion, seconded by Ms. Nellius, to grant Ms. Gokhale a waiver in accordance with 24 *Del.C.* §1910(5). By unanimous vote, the motion carried.

Dionne Pyle- Ms. Pyle is a GN applicant who currently holds an LPN license. She graduated from DTCC-Terry on December 11, 2010. She was convicted of Disorderly Conduct in 1991 and answered "no" to question 13. Dr. Contino and the board members discussed her integrity with answering "no" to question 13. She supplied the Board with a letter of explanation and 3 positive references. Dr. Zickafoose noted the law for criminal backgrounds was not in effect when Ms. Pyle applied for her LPN license. Dr. Peterson made a motion, seconded by Ms. Nellius, to grant Ms. Pyle a waiver to test in accordance with 24 *Del.C.* §1910(5). With Dr. Contino and Ms. Littleton abstaining, the motion was carried by a majority vote of the Board.

April Alvino- Ms. Alvino graduated from DTCC-Owens on Dec. 10, 2010. She answered question 20 with a "yes" and stated that she takes Adderall XR under the supervision of a doctor. The letter from Ms. Alvino's doctor stated that Ms. Alvino is under her care and that this will not impair Ms. Alvino's ability to practice as a nurse. Dr. Contino made a motion, seconded by Ms. Littleton, to grant a waiver to test. By unanimous vote, the motion carried.

Jennifer Hastings- Ms. Hastings graduated from DTCC-Owens on Dec. 11, 2010. She was convicted of criminal impersonation in 2002, a crime found to be substantially related to the practice of nursing according to Board Rule 15.3.43. The Board reviewed the court documents provided by the applicant showing completion of all requirements of sentencing. Dr. Peterson made a motion, seconded by Mr. Sanders, to grant Ms. Hastings a waiver in accordance with 24 *Del.C.* §1910(5). By unanimous vote, the motion carried.

Stephen McCann- Mr. McCann is a recent graduate of the UD accelerated/second degree program this winter. He was convicted of assault 3rd degree and resisting arrest in 1999, crimes found to be substantially related to the practice of nursing according to Board Rule 15.2.13. The Board reviewed the court documents provided by the applicant showing completion of all requirements of sentencing. Dr. Peterson made a motion, seconded by Dr. Lomax, to grant Mr. McCann a waiver for a temporary permit and to test in accordance with 24 *Del.C.* §1910(5). By unanimous vote, the motion carried.

By Endorsement

Debra Jordan, LPN- Ms. Jordan was arrested Apr. 15, 1991 for Battery, a crime found to be substantially related to the practice of nursing according to Board Rule 15.2.13. The Board reviewed the court documents provided by the applicant showing completion of all requirements of sentencing including court supervision that ended on 9/10/92 in Illinois. Ms. Halpern made a motion, seconded by Dr. Peterson, to grant Ms. Jordan licensure by endorsement. By unanimous vote, the motion carried.

Dorothy Katz, RN- Ms. Katz plead guilty on July 31, 1998 to DUI and Accident involving death/personal injury, crimes found to be substantially related to the practice of nursing according to Board Rule 15.8.44. The Board reviewed the court documents provided by the applicant showing completion of all requirements of sentencing. Dr. Contino made a motion, seconded by Mr. Sanders, to grant Ms. Katz licensure by endorsement. By unanimous vote, the motion carried.

Tonika Johnson, LPN- Ms. Johnson plead guilty to endangering the welfare of a child on Aug. 18, 1996, a crime found to be substantially related to the practice of nursing according to Board Rule 15.4.3. The Board reviewed the court documents provided by the applicant showing completion of all requirements of sentencing. Dr. Contino made a motion, seconded by Ms. Littleton, to grant Ms. Johnson licensure by endorsement. By unanimous vote, the motion carried.

ARhonda Osborne, LPN- Ms. Osborne was LPN licensed in VA in 2009. She plead guilty to using foul language Dec. 7, 2002, a crime found to be substantially related to the practice of nursing according to Board Rule 15.2.13. Ms. Halpern made a motion, seconded by Dr. Peterson, to grant Ms. Johnson licensure by endorsement. By unanimous vote, the motion carried.

Harold Orbillos, RN- Mr. Orbillos was originally licensed in New York in 2008 (valid until July 2011). However, he has not worked and states he is "waiting for employment authorization documents from the department of homeland security" in order to get a job. Since he has not practiced in the past two years, he does not meet the practice requirement. Dr. Contino made a motion, seconded by Ms. Nellius, to propose to deny licensure based on the applicant's ineligibility for licensure pursuant to 24 *Del.C.* §1910(6). With Dr. Peterson abstaining, the motion was carried by a majority vote of the Board.

Zakeea Green, RN- Ms. Green finished nursing school in Dec. 2007 and was RN licensed in Aug. 2010. However, she included documents from PA for a misdemeanor for moral turpitude, for which she is on two years probation from Jan. 12, 2010 until 2012 in Pennsylvania. Dr. Contino made a motion, seconded by Dr. Lomax, to propose to deny licensure based on the applicant's ineligibility for licensure pursuant to 24 *Del.C.* §1910(5&6). By unanimous vote, the motion carried.

Lyn Joseph, LPN- Ms. Joseph finished nursing school in Sept. 1999 and she is a licensed LPN in Florida since 2000. Holy Cross which is her most current employer will only verify dates of employment and position held. They will not say whether they recommend her or give her an evaluation to supply to us. Board members discussed the difficulty with getting references from some employers. Dr. Contino made a motion, seconded by Mr. Deputy, to grant licensure by endorsement. With Dr. Lomax, Ms. Nellius, and Ms. Halpern abstaining, the motion was carried by a majority vote of the Board.

Denise Nyanjong, LPN- Ms. Nyanjong has a negative reference from her last employer. She was licensed in NY in 2002 and still holds a license in NY in good standing. Her employer is stating unprofessional conduct because she left her position without notice. Dr. Peterson made a motion, seconded by Dr. Lomax, to grant licensure by endorsement. With Mr. Sanders abstaining, the motion was carried by a majority vote of the Board.

Renee Campbell, RN- Ms. Campbell's CBC showed 2 crimes- aggravated assault and disorderly conduct; however, there is another name, Renee Wallace, on the CBC as well. Ms. Campbell claims

these are not her crimes and she did not commit them. A letter from the Prothonotary of Philadelphia was sent stating there are no pending criminal cases or prior criminal convictions for Ms. Campbell. Dr. Contino made a motion, seconded by Dr. Lomax, to grant Ms. Campbell licensure by endorsement. By unanimous vote, the motion carried.

By Reinstatement

Marian Dettra, RN- Ms. Dettra is asking to be reinstated after being on probation that was lifted on Nov. 26, 2008. She completed a refresher course Aug. 2, 2010 from the University of Delaware with both clinical and didactic components. Ms. Halpern made a motion, seconded by Ms. Littleton, to approve reinstatement. Four members voted yes, one voted no and 4 abstained. The motion failed. Further discussion regarding the basis for denial ensued regarding a positive drug test. Board council advised this was related to a previous probation with the Board. Ms. Dettra completed and was discharged from treatment in October 2008, which was used to lift probation in 2008. Dr. Contino made a motion to reconsider the vote. The motion was seconded, and was carried unanimously. Ms. Halpern then made a motion, seconded by Ms. Littleton, to approve reinstatement. By unanimous vote, the motion carried.

Renewal

The amended agenda removed two applicants for renewal with criminal backgrounds. Presently, if nurses are convicted of a crime, when they apply for renewal they disclose this information. If the crime is substantially related to nursing, a complaint must be initiated. Ms. Davis-Oliva asked that we add this topic to the agenda for next month.

ASSIGNMENTS/ASSIGNED BOARD CONTACT PERSON

Dr. Contino made a motion, seconded by Ms. Nellius, to ratify the following complaint assignments given to the respective Board contact person. The motion was carried by unanimous vote.

11-72-10 Lyron Deputy	11-78-10 Stacey Burns	11-83-10 Stacey Burns
11-73-10 Kathy Bradley	11-79-10 Kathy Bradley	11-84-10 Dianne Halpern
11-75-10 Tammy Ward	11-80-10 Tammy Ward	11-85-10 Robert Contino
11-76-10 Dianne Halpern	11-81-10 Robert Contino	11-86-10 Robert Contino
11-77-10 Robert Contino	11-82-10 Tracy Littleton	11-87-10 Dianne Halpern
11-43-10 Robert Maddex	11-42-10 Robert Maddex	11-88-10 Dianne Halpern
11-01-11 Lyron Deputy	11-02-11 Tammy Ward	11-03-11 Stacey Burns
11-04-11 Kathy Bradley	11-05-11 Dianne Halpern	11-06-11 Stacey Burns
11-07-11 Tammy Ward	11-09-11 Kathy Bradley	

CLOSED COMPLAINTS

Ms. Nicholson noted this was for information only to get into the record and did not need a vote.

Dismissed by the Attorney General's Office

11-09-08	11-64-08	11-10-09	11-99-07	
11-54-07	11-82-08	11-52-09	11-75-07	11-88-07
11-59-07	11-01-09	11-53-09	11-47-07	11-46-08
11-82-07	11-08-09	11-55-10	11-65-09	11-05-09
11-22-08	11-09-09	11-56-10	11-69-07	11-54-08
11-06-08	11-48-08	11-38-08	11-51-08	11-21-09
11-49-08	11-37-08	11-18-08	11-50-07	11-52-10

Closed Investigations by the Division of Professional Regulation

11-27-10

Ms. Nicholson asked for a recess at this time so that the Board members would have time to get a bite to eat and to relocate the meeting to the Cannon building for the scheduled hearings beginning at 12 Noon. She asked for Public Comment. Ms. JoAnn Baker thanked the Board for meeting at DTCC-Terry Campus. Board members dismissed to the Cannon Building.

HEARINGS/CONSENT AGREEMENTS – RATIFICATION & SIGNATURE

Hearings

Consent Agreement(s)

Katheryn Burns- Dr. Zickafoose was unable to find the original consent agreement with signatures. This consent order is being circulated for signatures.

Sally Rose- Board members reviewed the consent agreement. Dr. Peterson made a motion, seconded by Ms. Halpern, to NOT accept the consent and request a hearing for Ms. Rose. By unanimous vote, the motion carried.

Laurie DaFonte- Board members reviewed the consent agreement. Dr. Contino made a motion, seconded by Ms. Tyranski, to accept the consent. By unanimous vote, the motion carried.

Kevin DaFonte- Board members reviewed the consent agreement. Ms. Tyranski made a motion, seconded by Ms. Littleton, to accept the consent. By unanimous vote, the motion carried.

Kwanda Knight- Board members reviewed the consent agreement. Dr. Peterson made a motion, seconded by Ms. Nellius, to accept the consent. By unanimous vote, the motion carried.

Norma Darby- Board members reviewed the consent agreement. Ms. Halpern made a motion, seconded by Ms. Nellius, to accept the consent. By unanimous vote, the motion carried.

Paula Wiggins- Board members reviewed the consent agreement. Mr. Deputy made a motion, seconded by Dr. Peterson, to accept the consent. By unanimous vote, the motion carried.

Stephanie McMullen- Board members reviewed the consent agreement for permanent revocation. Ms. Littleton made a motion, seconded by Ms. Halpern, to accept the consent. By unanimous vote, the motion carried.

HEARING PANEL FINDINGS/DECISIONS/ORDERS

Ralph Quinn- The hearing panel recommended an indefinite suspension. Dr. Contino made a motion, seconded by Mr. Deputy, to accept the decision and order. With Dr. Peterson, Ms. Halpern, and Dr. Lomax abstaining, the motion carried with a majority of the vote.

Nancy Breeding- The hearing panel recommended denial of licensure. Ms. Halpern made a motion, seconded by Ms. Nellius, to accept the decision and order. With Dr. Lomax and Dr. Peterson abstaining, the motion carried with a majority of the vote.

Appointment of New Panel Members

Ms. Nicholson acknowledged the work of the members from Panel IV and made recommendations for Panel V, Mr. Deputy, Professional Member and chairman; Ms. Bradley, Professional Member; Mr. Sanders, Public Member; Dr. Peterson as alternate. Dr. Lomax made a motion, seconded by Ms. Halpern, to accept the hearing panel members. By unanimous vote, the motion was carried.

HEARINGS

Minutes follow the Board meeting minutes.

LEGISLATIVE UPDATE

Late Renewal- Proposed Legislation- Dr. Zickafoose submitted proposed language for a late renewal period for nursing licensure. Currently, nurses who do not renew on time must reinstate their license because their license has lapsed in the licensure database. This involves applying for licensure, paying a late fee, and getting a criminal background check which can take several weeks to complete the process. During this time waiting for license issuance, the nurse is unable to work which is a burden on the nurse and the organization where employed. A late renewal would allow two months past the license renewal date. Applicants would have to pay a late fee, document employment, and submit all continuing education certificates for late renewal. Changes will be needed in both the statute and the Rules & Regulations. This will enable the Board of Nursing to be more consistent with other boards in the Division of Professional Regulation. Ms. Littleton made a motion, seconded by Ms. Nellius, to approve the proposed late renewal legislation. Ms. Davis-Oliva agreed to draft the bill with a few minor wording changes and submit it in June.

REVIEW OF COMPLIANCE

None

PRACTICE WITHOUT LICENSURE REVIEWS (December, January)

Dr. Zickafoose reported there was one practice without licensure under 60 days and the warning letter was sent.

PRACTICE ISSUES

Discussed under Practice & Education Committee report.

EDUCATIONAL ISSUES

Beebe School of Nursing Facility Request- Requested use of Milford Rehab as a new clinical site. All the required paperwork was submitted. Dr. Peterson made a motion, seconded by Mr. Deputy, to approve the request. By unanimous vote, the motion was carried.

Quality Insights of Delaware Continuing Education Provider Application- Dr. Zickafoose reported the application for CE Provider Status was well developed and she recommended approval by the Board. Dr. Contino made a motion, seconded by Dr. Peterson, to approve Quality Insights as an approved provider. By unanimous vote, the motion was carried.

DTCC-Stanton, Acting Instructional Director/Chairperson- A letter was received from DTCC requesting Dr. Pat Welsh be approved to replace Kathy Janvier who was promoted to Dean of Instruction. Dr. Welsh's resume was reviewed and the Board determined she met the requirements. Dr. Peterson made a motion, seconded by Mr. Deputy, to accept this request. By unanimous vote, the motion was carried.

Wesley College Request- discussed under Practice & Education Annual Review of Nursing Programs

Dr. Zickafoose reported that Bernice Hardy had resigned as the Director at Camtech, and Monica Scott had resigned as the Director of DIHS. The JMJ School of Health Sciences application was still tabled pending receipt of Delaware Department of Education approval and accreditation by Middle States.

LICENSURE ISSUES

None

NCSBN

Dr. Zickafoose will be attending the Mid-Year meeting in Chicago. Dr. Lomax expressed interest in attending. Other board members stated interest in attending the Annual Meeting which will be held in Indianapolis, IN in August. Dr. Zickafoose informed board members that the NCSBN sponsors two people to attend these meetings.

LICENSEE RATIFICATION

Dr. Lomax made a motion, seconded by Ms. Tyranski, to ratify the Licensee List as presented. The motion was carried by unanimous vote.

OTHER

Dr. Peterson commented she spoke with Tammy Paxton of DTCC-Owens Campus about the meeting in Georgetown next month. Board members questioned why we go off-site when it is so much work for the Board staff and it increases travel time. Dr. Zickafoose responded that it allows students to attend a meeting as the space at the Cannon Building is limited and in the past it was an attempt to hold the meetings in each county of the state. Ms. Nellius made a motion, seconded by Dr. Lomax, to hold all Board of Nursing meetings at the Cannon Building, after next month. By unanimous vote, the motion was carried.

PUBLIC COMMENT

None

NEXT SCHEDULED MEETING

March 9, 2011 - 9:30 a.m.
DelTech-Owens Campus, Georgetown, DE

ADJOURNMENT

The meeting was adjourned at 3:52 p.m.

Respectfully Submitted,



Pamela C. Zickafoose, EdD, MSN, RN, CNA-BC, CNE
Executive Director, Board of Nursing

Attachments: Executive Director Report

HEARING MINUTES

HEARING – Jattu Moussa

The Delaware Board of Nursing held a hearing on February 9, 2011, at 12:27 p.m. in the Second Floor Conference Room A, Cannon Building, 861 Silver Lake Blvd., Suite 203, Dover, Delaware.

PRESENT: Evelyn Nicholson, Barbara Peterson, Dianne Halpern, Harland Sanders, Mary Lomax, Robert Contino, Lyron Deputy, Tracy Littleton, Madelyn Nellius, and Pamela Tyranski

RECUSED:

EXCUSED: Kathy Bradley, Delphos Price, Tammy Ward, Stacey Burns, and Robert Maddex

PURPOSE: Proposal to Deny

PRESIDING: Evelyn Nicholson, President

BOARD STAFF: Pamela Zickafoose, Executive Director, and Sandra Wagner, Administrative Specialist III

DEPUTY ATTORNEY GENERAL FOR THE BOARD: Patricia Davis-Oliva, Esq.

DEPUTY ATTORNEY GENERAL FOR THE STATE:

RESPONDENT: Jattu Moussa

COUNSEL FOR THE RESPONDENT:

WITNESSES FOR THE STATE:

WITNESSES FOR THE RESPONDENT:

COURT REPORTER PRESENT: Terry Burke, Wilcox and Fetzer

TIME STARTED: 12:27 p.m.

The court reporter took verbatim testimony. The Board introduced themselves. Ms. Davis-Oliva described the reason for the hearing and confirmed Ms. Moussa was present for the Hearing. Ms. Davis-Oliva entered the documents as State's Exhibit 1. The Exhibit was circulated among the Board members. Respondent entered documents as Applicant 1. The Board went off the record for deliberations at 12:37p.m. The Board went back on the record at 12:42 p.m. Ms. Moussa requested to withdrawal her application.

The Board unanimously approved Ms. Moussa's request to withdrawal her application. The hearing concluded at 12:44 p.m.

HEARING MINUTES

HEARING – Michele Ham

The Delaware Board of Nursing held a hearing on February 9, 2011, at 12:48 p.m. in the Second Floor Conference Room, Cannon Building, 861 Silver Lake Blvd., Suite 203, Dover, Delaware.

PRESENT: Evelyn Nicholson, Barbara Peterson, Dianne Halpern, Harland Sanders, Mary Lomax, Robert Contino, Lyron Deputy, Tracy Littleton, Madelyn Nellius, and Pamela Tyranski

RECUSED:

EXCUSED: Kathy Bradley, Delphos Price, Tammy Ward, Stacey Burns, and Robert Maddex

PURPOSE: Compliance – Lift Suspension

PRESIDING: Evelyn Nicholson, President

BOARD STAFF: Pamela Zickafoose, Executive Director, and Sandra Wagner, Administrative Specialist III

DEPUTY ATTORNEY GENERAL FOR THE BOARD: Patricia Davis-Oliva, Esq.

DEPUTY ATTORNEY GENERAL FOR THE STATE:

RESPONDENT: Michele Ham

COUNSEL FOR THE RESPONDENT:

WITNESSES FOR THE STATE:

WITNESSES FOR THE RESPONDENT: Sharon Ham, James Phalen, Michelle Hayworth

COURT REPORTER PRESENT: Terry Burke, Wilcox and Fetzer

TIME STARTED: 12:48 p.m.

The court reporter took verbatim testimony. The Board introduced themselves. Ms. Davis-Oliva described the reason for the hearing and confirmed Ms. Ham was present for the Hearing. Ms. Davis-Oliva entered the documents as Respondent's Exhibit 1. The Exhibit was circulated among the Board members. The Board went off the record for deliberations at 1:09 p.m. The Board went back on the record at 1:11 p.m.

Dr. Contino made a motion, seconded by Dr. Lomax, to lift the suspension of Ms. Ham's license and to put her on 5 years probation, as stated in the Board Order.

The motion was approved with Mr. Deputy abstaining.
The hearing concluded at 1:13 p.m.

HEARING MINUTES

HEARING – Maia Michael

The Delaware Board of Nursing held a hearing on February 9, 2011, at 1:17 p.m. in the Second Floor Conference Room, Cannon Building, 861 Silver Lake Blvd., Suite 203, Dover, Delaware.

PRESENT: Evelyn Nicholson, Barbara Peterson, Dianne Halpern, Harland Sanders, Mary Lomax, Robert Contino, Lyron Deputy, Tracy Littleton, Madelyn Nellius, and Pamela Tyranski

RECUSED:

EXCUSED: Kathy Bradley, Delphos Price, Tammy Ward, Stacey Burns, and Robert Maddex

PURPOSE: Disciplinary Hearing

PRESIDING: Evelyn Nicholson, President

BOARD STAFF: Pamela Zickafoose, Executive Director, and Sandra Wagner, Administrative Specialist III

DEPUTY ATTORNEY GENERAL FOR THE BOARD: Patricia Davis-Oliva, Esq.

DEPUTY ATTORNEY GENERAL FOR THE STATE: Barbara Gadbois, Esq.

RESPONDENT: Maia Michael

COUNSEL FOR THE RESPONDENT:

WITNESSES FOR THE STATE: Sandra Wagner, Agent Hancock

WITNESSES FOR THE RESPONDENT:

COURT REPORTER PRESENT: Terry Burke, Wilcox and Fetzer

TIME STARTED: 1:17 p.m.

The court reporter took verbatim testimony. The Board introduced themselves. Ms. Davis-Oliva described the reason for the hearing and that Ms. Michael was not present for the Hearing. Ms. Gadbois entered the documents as Respondent's Exhibit 1. The Exhibit was circulated among the Board members. The Board went off the record for deliberations at 1:33 p.m. The Board went back on the record at 1:36 p.m.

Ms. Halpern made a motion, seconded by Ms. Littleton, to revoke Ms. Michael's license in the State of Delaware.

The motion was approved with Ms. Tyranski abstaining.
The hearing concluded at 1:39 p.m.

HEARING MINUTES

HEARING – Rolanda Britt

The Delaware Board of Nursing held a hearing on February 9, 2011, at 1:52 p.m. in the Second Floor Conference Room, Cannon Building, 861 Silver Lake Blvd., Suite 203, Dover, Delaware.

PRESENT: Evelyn Nicholson, Barbara Peterson, Dianne Halpern, Harland Sanders, Mary Lomax, Robert Contino, Lyron Deputy, Tracy Littleton, Madelyn Nellius, and Pamela Tyranski

RECUSED:

EXCUSED: Kathy Bradley, Delphos Price, Tammy Ward, Stacey Burns, and Robert Maddex

PURPOSE: Motion to Dismiss/Disciplinary Hearing

PRESIDING: Evelyn Nicholson, President

BOARD STAFF: Pamela Zickafoose, Executive Director, and Sandra Wagner, Administrative Specialist III

DEPUTY ATTORNEY GENERAL FOR THE BOARD: Patricia Davis-Oliva, Esq.

DEPUTY ATTORNEY GENERAL FOR THE STATE: Barbara Gadbois, Esq.

RESPONDENT: Rolanda Britt

COUNSEL FOR THE RESPONDENT:

WITNESSES FOR THE STATE:

WITNESSES FOR THE RESPONDENT:

COURT REPORTER PRESENT: Terry Burke, Wilcox and Fetzer

TIME STARTED: 1:52 p.m.

The court reporter took verbatim testimony. The Board introduced themselves. The State recommended the Board deny the motion of dismissal of hearing from the Respondent's lawyer's request. The Board went off the record to deliberate at 1:56 p.m. The Board went back on the record at 1:58 p.m. Dr. Peterson made a motion, seconded by Dr. Contino, to consider the motion to dismiss the complaint. The motion carried. Ms. Davis-Oliva described the reason for the hearing. Ms. Gadbois gave testimony and the exhibits were circulated among the Board members. The Board went off the record for deliberations at 2:02 p.m. The Board went back on the record at 2:06 p.m. Dr. Peterson made a motion, seconded by Ms. Halpern, to deny the motion to dismiss.

The motion was unanimously approved.
The hearing concluded at 2:07 p.m.

HEARING MINUTES

HEARING – Gloria Ampofo

The Delaware Board of Nursing held a hearing on February 9, 2011, at 2:50 p.m. in the Second Floor Conference Room, Cannon Building, 861 Silver Lake Blvd., Suite 203, Dover, Delaware.

PRESENT: Evelyn Nicholson, Barbara Peterson, Dianne Halpern, Harland Sanders, Mary Lomax, Robert Contino, Lyron Deputy, Tracy Littleton, Madelyn Nellius, and Pamela Tyranski

RECUSED:

EXCUSED: Kathy Bradley, Delphos Price, Tammy Ward, Stacey Burns, and Robert Maddex

PURPOSE: Proposal to Deny

PRESIDING: Evelyn Nicholson, President

BOARD STAFF: Pamela Zickafoose, Executive Director, and Sandra Wagner, Administrative Specialist III

DEPUTY ATTORNEY GENERAL FOR THE BOARD: Patricia Davis-Oliva, Esq.

DEPUTY ATTORNEY GENERAL FOR THE STATE:

RESPONDENT: Gloria Ampofo

COUNSEL FOR THE RESPONDENT:

WITNESSES FOR THE STATE:

WITNESSES FOR THE RESPONDENT:

COURT REPORTER PRESENT: Terry Burke, Wilcox and Fetzer

TIME STARTED: 2:50 p.m.

The court reporter took verbatim testimony. The Board introduced themselves. Ms. Davis-Oliva described the reason for the hearing and confirmed Ms. Ampofo was present for the Hearing. Ms. Davis-Oliva entered the documents as Respondent's Exhibit 1. The Exhibits were circulated among the Board members. The Board went off the record for deliberations at 3:00 p.m. The Board went back on the record at 3:09 p.m. Ms. Ampofo requested to withdrawal her application.

The Board unanimously approved Ms. Ampofo's request to withdrawal her application. The hearing concluded at 3:13 p.m.